ONDINANCE NO.	ORDIN	ANCE	NO.	
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AN ORDINANCE OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, APPROVING AND ADOPTING THE REDEVELOPMENT PLAN FOR THE CEDAR GLEN DISASTER RECOVERY REDEVELOPMENT PROJECT.

The Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

SECTION 1. The Legislature of the State of California enacted the Community Redevelopment Disaster Project Law (Health and Safety Code section 34000 et seq.) as part of the Community Redevelopment Law ("CRL") to provide communities with alternative procedures and requirements for redevelopment after disasters. Two of the requirements of the Community Redevelopment Disaster Project Law are that a community commence the adoption of a redevelopment plan within six months after the President of the United States has determined that a major disaster pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288) exists and that a redevelopment plan be adopted within 24 months after the Presidential Declaration of the existence of the major disaster.

SECTION 2. The Board of Supervisors of the County of San Bernardino hereby finds that:

- (a) In October 2003 The Old Fire heavily damaged the area known as Cedar Glen. On October 27, 2003, the President of the United States declared a major disaster pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act existed.
- (b) The Board of Supervisors (the "Board") subsequently authorized the Redevelopment Agency of the County of San Bernardino (the "Agency") to study the feasibility of adopting the Cedar Glen Disaster Recovery Redevelopment Project (the "Project").

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(c) boundaries (the "Project Area") for the Project on March 30, 2004.

The Agency approved a Preliminary Plan and designated Project Area

SECTION 3. The Board also hereby finds that:

- The Board has received from the Agency the proposed Redevelopment (a) Plans for the Project, a copy of which is on file at the office of the Clerk of the Board, together with the report to the Board by the Agency ("Report to Board"), including the reasons for the proposed Redevelopment Plan, prepared in accordance with Section 33352 of the California Redevelopment Law (Health and Safety Code section 33000 et seq.) (the "CRL"); a description of projects and how those projects will improve or alleviate blighting conditions identified in the Report to Board; a description of and a map showing the physical conditions that exist in the Project Area that cause blight (even though a finding of blight is not required for a Disaster Recovery Project Area pursuant to Health and Safety Code section 34004); an implementation plan describing projects that will alleviate or improve blighting conditions; an explanation of why the elimination of blight cannot be accomplished by a private enterprise acting alone or through the use of financing alternatives other than the increment financing; the method of financing and the economic feasibility of the Redevelopment Plan; the Project's General Relocation Rules; an analysis of the Preliminary Plan for the Project; the minutes of the Project Area Committee and information presented to them; the report of the County Fiscal Officer; and the Neighborhood Impact Report describing the impact of the Project upon residents of the Project Area and surrounding areas.
- (b) The CRL requires the formation of a Project Area Committee ("PAC") when a significant number of low- or moderate-income residents could be displaced due to redevelopment activities in the Project Area. While it may be unlikely that a significant number of low- or moderate-income residents could be displaced, the Agency will have the power to acquire property by eminent domain. On March 23, 2004, the Board called for the formation of a PAC. The Board also adopted election procedures,

conducted a meeting to explain the establishment of and the opportunities to serve on the PAC and provided published and written notice to all residents, businesses and community organizations in accordance with CRL section 33385. A community meeting was held on April 10, 2004, to explain the purpose of the Project and solicit community input as well as explain the purpose and process for electing the PAC. Materials required by the CRL were provided. The PAC election was held on May 1. At the election, one business owner, two residential owner-occupants, one residential tenant and one resident second homeowner were elected. Two Community Organizations (as defined in the CRL) were appointed by the Board and the PAC was certified on May 25, 2004. The PAC met four times at noticed, public meetings. On October 1, 2004, the PAC recommended that the Board approve and adopt the Redevelopment Plan.

- (c) The Disaster Recovery Redevelopment Project Law (section 34004(c) and (d)) exempts such disaster redevelopment projects from the requirement that the Planning Commission of the County make a finding that the Redevelopment Project is in conforming with the County General Plan.
- (d) The Disaster Recovery Redevelopment Project Law (section 34005) exempts such disaster redevelopment projects from the requirements of compliance with the California Environmental Quality Act ("CEQA") prior to the adoption of the Redevelopment Plan. The Agency is the public entity with principal responsibility for carrying out the Redevelopment Plan and it has directed the preparation of an Environmental Impact Report ("EIR") to assess the potential significant environmental impacts of the adoption of the Redevelopment Plan. In accordance with Section 34005, the EIR will be completed within twelve months of the effective date of this Ordinance.
- (e) The Board and the Agency held a joint public hearing on November 9, 2004, on the adoption of the Redevelopment Plan in the Chambers of the Board.

- (f) Notice of the joint public hearing was duly and regularly published in The San Bernardino Sun and The Mountain News, newspapers of general circulation serving the Project Area, once a week for four (4) successive weeks beginning on October 7, 2004, in accordance with CRL sections 33349 and 33361, and copy of the notice and affidavits of publication are on file with the Clerk of the Board and Secretary of the Agency.
- (g) In accordance with CRL section 33349, copies of the notices of joint public hearing were mailed by certified mail with return receipt requested to the governing body of each taxing agency which receives taxes from property in the Project Area.
- (h) Copies of the notice of joint public hearing were made by first class mail to the last known address of each assessee as shown on the last equalized assessment roll of the County for each parcel of land in the Project Area, and to each residential business within the Project Area, not less than thirty days prior to the date of such joint public hearing.
- (i) Each assessee in the Project Area where property would be subject to acquisition by purchase or condemnation under the provisions of the Redevelopment Plan was sent a letter to that effect attached to the notice of the joint public hearing, including a map and legal description of the Project Area.
- (j) As part of the joint public hearing, the Agency adopted a resolution to eliminate 663 acres from the Redevelopment Project Area. The eliminated area represents land primarily within the national forest lands that is non-urbanized land. The Redevelopment Project Area now contains 837 acres, which represents urbanized land.
- (k) Before the hour set for the joint public hearing, written objections were received from affected property owners. The Board responded to the written objections on November 16, 2004.

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(I) The Board has considered the Report to Board, the Redevelopment Plan and its economic feasibility, has provided an opportunity for all persons to be heard and has received and considered all evidence and testimony presented for or against any and all aspects of the Redevelopment Plan and has made written findings in response to each written objection of an affected property owner or taxing entity filed with the Clerk of the Board at or before the hour set for the joint public hearing.

SECTION 4. The purposes and intent of the Board with respect to the Project Area as it relates to the Redevelopment Plan is to provide for the recovery from a Declared Disaster and the elimination or alleviation of blight, including damage resulting from The Old Fire. The damage and blight conditions include damage to buildings, roadways and infrastructure system, including the water mains. Fire damage was caused by other existing conditions including inadequate road access and water service. In pursuing those objectives through the Redevelopment Plan, the Agency expects to help:

- (a) Reverse or mitigate the damage caused by The Old Fire.
- (b) Preserve the economic base of the Project Area by encouraging the reestablishment of commercial establishments that were damaged by the wildfires.
- (c) Broaden the community's economic base by attracting new commercial uses that are high sales tax and job producers to the Project Area.
- (d) Diversify the commercial make-up of the Project Area by developing a variety of uses that work in concert toward economic stability.
 - (e) Provide for infrastructure improvements in the Project Area.
- (f) Encourage expansion of local commercial opportunities, which will create jobs and an expanded sales and property tax base.
 - (g) Promote new development consistent with the County's General Plan.
- (h) Provide financial incentives to interested property owners who wish to repair or rehabilitate their buildings or revitalize their properties consistent with the

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County's General Plan and development standards.

- (i) Encourage public participation in the planning and implementation of the Project.
- (j) Eliminate existing blighted conditions, be they properties or structures, and prevent recurring blight in and about the Project Area.
- (k) Eliminate environmental deficiencies, including inadequate street improvements, inadequate emergency access, inadequate utility systems, and inadequate public services; and mitigation of the various economic, physical, and environmental characteristics of blight extant in the Project Area.

SECTION 5. The Board hereby finds and determines with respect to the Project Area, based on evidence in the record, including, but not limited to, the Report to Board and all documents referenced therein, and evidence and testimony received at the joint public hearing on the adoption of the Redevelopment Plan held on November 9, 2004, that:

- (a) The Project Area was formed from an area that had been declared a disaster area. The redevelopment of the Project Area is necessary to effectuate the public purposes of the CRL and is in accordance with Community Redevelopment Disaster Project Law section 34001. Those findings are based upon the research and facts presented in the Report to Board.
- (b) While not required by Community Redevelopment Disaster Project Law section 34004, the Project Area is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in the CRL.
- (1) This finding is based on, among other things, the following physical conditions of fire damage or blight which characterize the Project Area:
- (A) The existence of destroyed buildings. In some portions of the Project Area that sustained the heaviest damages, only chimneys and foundations remain where houses and businesses once stood. Those are remnant structures

where people are unable to live or work.

- (B) The existence of contributing factors that led to the devastating effects of the fire, including inadequate fire flow due to an aged and overburdened water system; a system of roads that do not meet County standards for width, slope and turning radii which hindered the efforts of firefighters to combat the fire; and the assistance of combustible building materials.
- (C) The existence of an aged water system with old, undersized and inadequate waterlines, some of which were damaged by the fire.
- (D) Many access roads were in substandard and deficient condition and bridges were destroyed by the fire or debris following winter storms. These conditions prohibit or delay fire fighting personnel and equipment from accessing areas during a fire. This constitutes a health hazard.
- (E) Combustible building materials used for porches, siding and roofing finish and the presence of exposed eaves, open vents to attics and foundations and overhanging decks contributing to the fire damage.
- (2) This finding is also based on the following physical conditions of blight which characterize the Project Area:
- (A) The existence of buildings in which it is unsafe or unhealthy for persons to live or work. Many structures were constructed with flammable building materials.
- (B) The existence of factors that prevent or substantially hinder the economically viable use or capacity of buildings or lots such as obsolescence and the odd layout of building sites, lack of site development and circulation problems.
- (C) The existence of subdivided lots of irregular form and shape and of inadequate size for proper usefulness and development that are in multiple ownership. A significant number of lots within the Project Area are undersized.
 - (3) This finding is also based on the following economic conditions of

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blight which characterize the Project Area:

- (A) Depreciated property values or impaired investments as a result of the destruction and damaged properties resulting from The Old Fire.
 - (B) A lack of necessary commercial facilities including stores.
- (4) Such conditions are so prevalent and so substantial that they are now causing and will increasingly cause a reduction and lack of proper utilization of the area to such an extent that it constitutes a serious physical and economic burden on the County which cannot reasonably be expected to be reversed or alleviated by private enterprise or governmental action, or both, without redevelopment. This finding is based on the fact that governmental action available to the County without redevelopment would be insufficient to cause any significant correction of the blighting conditions, and that the nature and costs of the public improvements and facilities and other actions required to correct the blighting conditions are beyond the capacity of the County and cannot be undertaken or borne by private enterprise acting alone or in concert with available governmental action.
- (c) The Project Area is a predominantly urbanized area. This finding is based upon the Report to Board, which demonstrates that not less than eighty percent (80%) of the land in the Project Area has been or is developed for urban uses.
- The Redevelopment Plan will redevelop the Project Area in conformity with the CRL and in the interests of the public peace, health, safety and welfare. This finding is based in part upon the fact that redevelopment of the Project Area will implement the objectives of the CRL by aiding in the reversal of the damages caused by The Old Fire and resolving conditions that contributed to the damage.
- (e) The adoption and carrying out of the Redevelopment Plan is economically sound and feasible. This finding is based on the fact that under the Redevelopment Plan, the Agency will be authorized to seek and utilize a variety of potential financing resources, including property tax increment; that the nature and timing of public

redevelopment assistance will depend on the amount and availability of such financing resources, including tax increment, generated by new investment in the Project Area; that under the Redevelopment Plan no public redevelopment activity in the Project Area can be undertaken unless the Agency can demonstrate that it has adequate revenue to finance the activity; and that the financing plan included within the Report to Board demonstrates that sufficient financial resources will be available to carry out the Redevelopment Project.

- (f) The carrying out of the Redevelopment Plan will promote the public peace, health, safety and welfare of the County and will effectuate the purposes and policies of the CRL. This finding is based on the fact that redevelopment will benefit the Project Area by correcting damages caused by The Old Fire and resolving conditions that contributed to the damages, as outlined in the Report to Board.
- (g) The condemnation of real property, as provided for in the Redevelopment Plan, is necessary to the execution of the Redevelopment Plan, and adequate provisions have been made for the payment for property to be acquired as provided by law. This finding is based upon the need to ensure that the provisions of the Redevelopment Plan will be carried out to correct infrastructure deficiencies, to assemble sites for development that will result in new economic activity in the Project Area, and to prevent the recurrence of blight, and the fact that no property will be acquired until adequate funds are available to pay full compensation therefor.
- (h) The Agency has a feasible method and plan for the relocation of families and persons who might be displaced, temporarily or permanently from housing facilities in the Project Area. The Agency also has a feasible method and plan for relocation of businesses. This finding is based upon the fact that the Agency has adopted a plan for relocation of families, persons and businesses by the Agency's projects, and upon the fact that the Redevelopment Plan provides for relocation assistance according to law, and the fact that such assistance, including relocation payments, constitutes a feasible

method for relocation.

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- (i) There are, or are being provided, within the Project Area or within other areas not generally less desirable with regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons who might be displaced from the Project Area, decent, safe and sanitary dwellings equal in number to the number of and available to such displaced families and persons and reasonably accessible to their places of employment. This finding is based upon the provisions of the Redevelopment Plan which require that families and persons shall not be displaced prior to the adoption of a relocation plan pursuant to Sections 33411 and 33411.1 of the Health and Safety Code, and that dwelling units housing persons and families of low or moderate-income shall not be removed or destroyed prior to the adoption of a replacement housing plan pursuant to Sections 33334.5, 33413 and 33413.5 of the Health and Safety Code. This finding is based on the Rules and Regulations for Implementation of the California Relocation Assistance Law, which was adopted by reference for the Project Area by the Agency on September 14, 2004.
- (j) Any noncontiguous areas of the Project Area are either blighted or necessary for effective redevelopment and are not included for the purpose of obtaining the allocation of taxes from the area pursuant to Section 33670 of the CRL without other substantial justification for their inclusion. This finding is based in part upon the fact that the boundaries of the Project Area were specifically drawn to include only those lands that were damaged by The Old Fire or are necessary for resolving the causes of the damage and preventing further damage to the Project Area.
- (k) Inclusion of any lands, buildings, or improvements which are not detrimental to the public health, safety or welfare is necessary for the effective redevelopment of the entire area of which they are a part, and any such area is not included solely for the purpose of obtaining the allocation of tax increment revenues from such area pursuant

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to Section 33670 of the CRL without other substantial justification for its inclusion. This finding is based in part upon the fact that the boundaries of the Project Area were specifically drawn to include only those lands that were damaged by The Old Fire or are necessary for resolving the causes of the damage and preventing further damage to the Project Area.

- (I) The elimination of blight and the redevelopment of the Project Area could not reasonably be expected to be accomplished by private enterprise acting alone, or by governmental action, or both, without the aid and assistance of the Agency. This finding is based in part upon the existence of blighting influences in the Project Area, including, without limitation, the extent of damage resulting from The Old Fire, structural deficiencies and other indications of blight more fully described in the Report to Board and the infeasibility of requiring individuals (by means of assessments or otherwise) to eradicate or significantly alleviate existing deficiencies in properties and facilities and the inability and inadequacy of other governmental programs and financing mechanisms to eliminate the blighting conditions.
- (m) The Redevelopment Plan contains adequate safeguards so that the work of redevelopment will be carried out pursuant to the Redevelopment Plan, and it provides for the retention of controls and the establishment of restrictions and covenants running with the land on land sold or leased for private use for periods of time and under conditions specified in the Redevelopment Plan, which the Board of Supervisors deems necessary to effectuate the purposes of the Health and Safety Code.
- (n) The time limitations and financial limitations established for the Project Area are reasonably related to the projects proposed in the Redevelopment Plan and to the ability of the Agency to eliminate blight within the Project Area.
- SECTION 6. The Board is satisfied that permanent housing facilities will be available within three years from the time residential occupants of the Project Area, if any, are displaced, and that pending the development of such facilities, there will be

available to any such displaced residential occupants temporary housing facilities at rents comparable to those in the Cedar Glen community at the time of their displacement. This finding is based upon the Board's finding that no persons or families of low and moderate income shall be displaced from residences unless and until there is a suitable housing unit available and ready for occupancy by such displaced persons or families at rents comparable to those at the time of their displacement. Such housing units shall be suitable to the needs of such displaced persons or families and must be decent, safe, sanitary and otherwise standard dwellings.

SECTION 7. Written objections to the Redevelopment Plan filed with the Clerk of the Board of Supervisors before the hour set for the joint public hearing and all written and oral objections presented to the Board at the hearing having been considered and, in the case of written objections received from Project Area property owners and affected taxing agencies, having been responded to in writing, are hereby overruled.

SECTION 8. That certain "Redevelopment Plan for the Cedar Glen Disaster Recovery Redevelopment Project," the maps contained therein, and such other reports as are incorporated therein by reference, a copy of which is on file in the office of the Agency and the office of the Clerk of the Board of Supervisors, having been duly reviewed and considered, is hereby incorporated into this Ordinance by reference and made a part hereof, and as so incorporated and as on file with the Clerk of the Board is hereby designated, approved, and adopted as the official Redevelopment Plan for the Redevelopment Project.

SECTION 9. In order to implement and facilitate the effectuation of the Redevelopment Plan hereby approved, the Board hereby: (a) pledges its cooperation in helping to carry out the Redevelopment Plan, (b) requests the various officials, departments, boards, and agencies of the County having administrative responsibilities in the Project Area likewise to cooperate to such end and to exercise their respective

functions and powers in a manner consistent with redevelopment of the Project Area, (c) stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Redevelopment Plan, and (d) declares its intention to undertake and complete any proceeding, including the expenditure of moneys, necessary to be carried out by the County under the provisions of the Redevelopment Plan.

SECTION 10. The Clerk of the Board of Supervisors is hereby directed to send a certified copy of this Ordinance to the Agency, whereupon the Agency is vested with the responsibility for carrying out the Redevelopment Plan.

SECTION 11. The Clerk of the Board of Supervisors is hereby directed to record with the Auditor/Controller-Recorder, as the Recorder of the County, a description of the land within the Project Area and a statement that proceedings for the redevelopment of the Project Area have been instituted under the CRL.

SECTION 12. The Building and Safety Division of the Land Use Services Department of the County is hereby directed, for a period of two (2) years after the effective date of this Ordinance, to advise all applicants for building permits within the portion of the Project Area located within the County that the site for which a building permit is sought for the construction of buildings or for other improvements is within a redevelopment project area.

SECTION 13. The Clerk of the Board of Supervisors is hereby directed to transmit a copy of the description and statement recorded by the Clerk pursuant to Section 11 of this Ordinance, a copy of this Ordinance, and a map or plat indicating the boundaries of the Project Area, to the Auditor/Controller-Recorder and Assessor of the County, to the governing body of each of the taxing agencies which receives taxes from property in the Project Area, and to the State Board of Equalization, within thirty (30) days following the adoption of the Redevelopment Plan.

SECTION 14. The Clerk of the Board of Supervisors is hereby authorized and

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1	directed to certify to the passage of this Ordinance and to cause a summary of the				
2	same to be published in a newspaper of general circulation, which is published and				
3	circulated in the County.				
4	SECTION 15. If any part of this Ordinance or the Redevelopment Plan which				
5	it approves is held to be invalid for any reason, such decision shall not effect the validity				
6	of the remaining portion of this Ordinance or of the Redevelopment Plan, and this				
7	Board hereby declares that it would have passed the remainder of the Ordinance or				
8	approved the remainder of the Redevelopment Plan if such invalid portion thereof had				
9	been deleted.				
10	SECTION 16. This Ordinance shall be in full force and effect thirty (30) days				
11	after adoption.				
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13	DENNIS HANSBERGER, Chairman				
14	Board of Supervisors				
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16	SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED				
17	TO THE CHAIRMAN OF THE BOARD				
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19	J. RENEE BASTIAN, Clerk of the Board of Supervisors				
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22	STATE OF CALIFORNIA)				
23) ss. COUNTY OF SAN BERNARDINO)				
24	,				
25	I, J. RENEÉ BASTIAN, Clerk of the Board of Supervisors of the County of San				
26	Bernardino, State of California, hereby certify that at a regular meeting of the Board of Supervisors of said County and State, held on the day of, 2004, at				
27	which meeting were present Supervisors				

1 2	and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to wit:
3	AYES: SUPERVISORS:
4	NOES: SUPERVISORS:
5	ABSENT: SUPERVISORS:
6	IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Board of Supervisors this day of, 2004.
7	J. RENEÉ BASTIAN, Clerk of the
8	Board of Supervisors of the County of San Bernardino, State of California
10	County of Carl Bernardino, Clare of Camornia
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12	Deputy
13	COUNTY COUNSEL
14	APPROVED
15	BY: DEPUTY COUNTY COUNSEL
16	DEPUTY COUNTY COUNSEL
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Clerk of the Board of Supervisors

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1 2	BOARD OF SUPERVISORS COUNTY OF SAN BERNARDINO
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	SUMMARY OF ORDINANCE NO Notice is hereby given that at 10:00 a.m. on Tuesday, November 23, 2004, at its regularly scheduled meeting, the San Bernardino County Board of Supervisors adopted an ordinance that approves and adopts the Redevelopment Plan for the Cedar Glen Disaster Recovery Redevelopment Plan. Ordinance Summary The ordinance approves and adopts the Redevelopment Plan for the Cedar Glen Disaster Recovery Redevelopment Plan. Adoption of the Redevelopment Plan allows for the redevelopment of the Cedar Glen Disaster Recovery Redevelopment Project Area in conformity with the California Community Redevelopment Law. A certified copy of the full text of this ordinance is posted for public review in the Office of the Clerk of the Board of Supervisors at 385 North Arrowhead Avenue, 2nd Floor, San Bernardino, California. Voting on the ordinance was as follows: AYES: Supervisors: AYES: Supervisors: ABSENT: Supervisors: BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO
24252627	DENNIS HANSBERGER, Chairman Board of Supervisors ATTEST: J. RENEE BASTIAN.

Clerk of the Board of Supervisors